IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CIVIL ACTION NO. 3:23-CV-00322-KDB-SCR

TYRICKA LASHANDA SIMPSON,)
Plaintiff,)))
v.)
ADAM MCCOY'S HAULING AND GRADING, INC., et. al.,) <u>ORDER</u>)))
Defendants.)

THIS MATTER is before the Court on <u>pro se</u> Plaintiff's "Motion[s] for Issuance of Subpoena" (Doc. Nos. 13, 14, 15, 16, 22, & 25), her "Motion for Hearing [on Motion to Dismiss]" (Doc. No. 10), and Defendants' "Motion to Stay All Discovery" (Doc. No. 20).

Local Civil Rule 26.1 provides that "official Court-enforceable discovery does not commence until issuance of the Scheduling Order" and "the Court will only enforce discovery that is conducted within the context of the Scheduling Order or where leave is granted in accordance with LCvR 16.1(f)." LCvR 26.1 (emphasis added).

Plaintiff has not presented a sufficient reason for commencement of early discovery, and the Court therefore finds good cause has not been shown. Accordingly, Plaintiff's Motions for Issuance of Subpoenas are <u>denied</u>. Plaintiff is cautioned to carefully review and observe the requirements of the Local Rules, the Court's Orders, and the Federal Rules of Civil Procedure.

Local Civil Rule 7.1(a) provides that "[m]otions ordinarily will be ruled on without oral argument." Plaintiff has not shown that a hearing will be helpful or is necessary in resolving

Defendant's Motion to Dismiss (Doc. No. 7). Accordingly, Plaintiff's Motion for Hearing is denied.

Having denied Plaintiff's requests for early discovery and explained her obligations as a litigant, the Court finds that a formal stay of discovery – which has not yet commenced – is unnecessary. Accordingly, Defendant's Motion to Stay is <u>denied</u> as moot.

THEREFORE, IT IS HEREBY ORDERED that:

- 1. Plaintiff's "Motion[s] for Issuance of Subpoena" (Doc. Nos. 13, 14, 15, 16, 22, & 25), and "Motion for Hearing [on Motion to Dismiss]" (Doc. No. 10) are **DENIED**.
- 2. Defendants' "Motion to Stay All Discovery" (Doc. No. 20) is **DENIED** as moot.
- 3. The Clerk is directed to send copies of this Order to <u>pro se</u> Plaintiff, to defense counsel, and to the Honorable Kenneth Bell.

SO ORDERED.

Signed: August 30, 2023

Susan C. Rodriguez
United States Magistrate Judge